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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

----- X
LUIS A. MENDEZ, :
: Plaintiff, :
: v. :
: :
COMMISSIONER OF :
SOCIAL SECURITY, :
: Defendant. :
----- X

Hon. Peter G. Sheridan

Civil Action No. 09-4284

**CONSENT ORDER TO REMAND
PURSUANT TO SENTENCE 6 OF
42 U.S.C. § 405(g)**

This matter having been opened to the Court by Paul J. Fishman, United States Attorney for the District of New Jersey, and John M. Kelly, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant, because the tape recording of the administrative hearing cannot be transcribed, pursuant to sentence 6 of 42 U.S.C. § 405(g), so that further administrative action may be taken, including the holding of a new hearing and the issuance of a new decision; and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the

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Court having considered the matter,

IT IS on this 27 day of December, 2009;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED,
and the matter is REMANDED to the Defendant for this further administrative action, and it is
further

ORDERED that the Court will retain jurisdiction over the within matter, in accord with
the decision in Melkonyan v. Sullivan, 501 U.S. 89 (1991).



Honorable Peter G. Sheridan
United States District Court

The undersigned hereby consent to the form and entry of the within order.

PAUL J. FISHMAN
United States Attorney

By: /s/ John M. Kelly
John M. Kelly
Special Assistant U.S. Attorney

LANGTON & ALTER

S / JAMES LANGTON

By: James Langton
Attorney for Plaintiff